

Section 3

Comments

Concurrences

TELEPHONE CONVERSATION RECORD

DATE: 12/27/77 TIME: 1:30^P
TO: Steve Keras FROM: Dave Sims
SUBJECT: Michigan's Privacy Application
RESUME OF CONVERSATION: _____

He talked to Lorraine Chang and indicated everything is OK re Michigan privacy ~~reg~~ application.

She talked to ~~with~~ OWS people and they apparently are satisfied that Region I monitoring of Michigan's public notification procedures to insure that P.N. goes out w/in 3 months as required by FR will do the trick as far as the P.N. req'ts in Michigan's bacti reg. goes.

She does want some explanation of the bacti reg to accompany the regional submittal to OGC, though. This could probably be accomplished by including _____

REFERRED TO: _____

ACTION REQUESTED: _____

BY: _____

TELEPHONE CONVERSATION RECORD

DATE: 12/23/77 TIME: 2:30 P
TO: HARRINE CHAM FROM: STEVE KIERTS
SUBJECT: MEMBERS' PRICES APPLICATION

RESUME OF CONVERSATION:

Spoke to Harrine re Aug. 10, 1977 Memo
from CWS re Milk rules.

Harrine agreed that all points had
been answered satisfactorily in
revised rules, except for one item -
i.e. buttering, specifically, she could see
some problem with fact that Milk rule
only req'd 1 check sample, thus
possibly being less stringent.

I explained to her that Region IV had
told Milkigen that if it made all changes as
requested by CWS, AEC and WSB they
would meet all regts. Milk did this so
we are committed to giving them priority.
(over)

REFERRED TO: _____

ACTION REQUESTED: _____

BY: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V


DATE: NOV 18 1977

SUBJECT: Proposed Michigan Rules for Water Supply

FROM: Dale S. Bryson, Chief
Water & Pesticides Enforcement Branch

TO: Joseph F. Harrison, Chief
Water Supply Branch

The latest draft of the proposed rules for the State of Michigan Water Supply Program appear to have adopted or rejected all earlier Enforcement Division comments. Those which were rejected do not bear on the acceptability of the State's program. There are no more changes that must be made in order for primacy to be given to the State.


Dale S. Bryson

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: DEC 7 1977

SUBJECT: Regional Counsel's Review of Michigan Proposed
Safe Drinking Water Act Primacy Regulations

FROM: David M. Sims, Assistant Regional Counsel

THRU: Thomas F. Harrison, Regional Counsel

TO: Charles H. Sutfin, Director
Water Division

We have reviewed the proposed Michigan Division of Water Supply rules for legal sufficiency. The State package does not yet demonstrate complete conformance with the provisions of 40 C.F.R. §§141 and 142. We offer the following specific comments.

A. Rule revisions necessary to achieve Primacy.

1. To comply with the requirements of 40 C.F.R. §142.14 the State Rules must provide for State record keeping and public inspection of documents. Provisions for public inspection of documents did appear in Part III, "Organization, Operation and Procedures," of the August 10, 1977 State draft. This Part has been omitted from the current draft.
2. Pursuant to 40 C.F.R. §142.15 State rules should provide for annual reporting to the Administrator and prompt notification to the Agency of the granting of variances and exemptions.
3. Rule 109(c) "Treatment Technique." To conform to 40 C.F.R. §142.2(p) the words "sufficient to comply with the requirements of 40 C.F.R. Part 141" should be added to the definition.
4. Rule 705(2). To satisfy the requirements of 40 C.F.R. §141.21(b), the words "a history of no coliform bacterial contamination" should be added after the words "based on," and the words "by written permission" should be added after "may" in the first line.

B. Rule revisions suggested but not necessary for Primacy.

1. Rule 301. It is recognized that the Michigan statute defines "the federal act" as the Safe Drinking Water Act of 1974, however, for clarity in the Rules, we suggest initial citation here to the federal act by name.

2. Rule 302. We suggest addition at the end of the Rule of the words "in conformance with the requirements of the federal act."
3. Rule 304. We suggest, for clarity, the deletion of the phrase "either of the following exist," and the addition of the following subsection headings:
 - "(a) For Variance from an MCL:"
 - "(b) For Variance from a Treatment Technique:"
4. Rule 310. For clarity, we suggest the insertion after the phrase "or prescribing a compliance schedule, or both," of the words "as required by §§1415 and 1416 of the federal act."
5. Rule 311. In the last sentence, "the" should be inserted between "of" and "federal act."
6. Rule 706(2). We suggest addition of the words "if appropriate" at the end of the subsection.
7. Rule 735(1). We suggest the reinsertion of the following August 10, 1977 draft language at the end of this section:
"These activities may include but shall not necessarily be limited to, wastewater discharges into land disposal systems, wastewater discharges into surface water, toxic chemical or hazardous material storage or spills, or sanitary landfills."
The effect is to make the section more specific without diminishing its stringency.

cc: Joseph Harrison, Chief
Water Supply Branch

Lorraine Chang
Office of General Counsel

TELEPHONE CONVERSATION RECORD

NIM

Good idea to make
suggestion a part of
my statement.

DATE: 8 September 77 TIME: 0900
TO: NIM FROM: Ind Blackwell
SUBJECT: MI rules

RESUME OF CONVERSATION:

Ind ~~suggests~~ (or suggest) that Michigan require applicants
for variances or exemptions to prove that it is not an
unreasonable risk to health instead of having the MOPH
have the burden of proving this or that it is unreasonable.

I called Wayne Versper with this suggestion - he said they
will consider it. He suggests, however, that we include
this in JFH's statement for the rules hearing, saying it
not an EPA requirement but would be useful. This way
it will be made a part of the ^{official} record.

REFERRED TO: _____

ACTION REQUESTED: _____

BY: _____

[Signature]
8/3/77

To: Charles H. Saffin, Director, Water Division

From: Robert D. Lutz, Assistant Regional Counsel, RGL

Thru: Thomas E. Harrison, Regional Counsel

Subject: Michigan's Application for SDWA Primary and
RAs Notice of Approval

This office is in receipt of one has reviewed the latest
drafts of the Michigan rules and the proposed approval
notice and offer the following comments:

A. The proposed approval notice will need some minor
revisions to reflect the fact that the rules submitted
as part of the plan are not finalized.

1. The sentence on page 1 that begins "In
response," should be changed to:

"In response, I have determined that
the Michigan Department of Public
Health has the statutory authority and,
with the adoption of the ~~stat~~ rules ^{in a form similar} ~~as to those~~
submitted to EPA will meet."

2. The last sentence on page 3 that begins "After
receiving," should be changed to read:

"No final decision will be made until the
^{rules} regulations are final. If the final regulations
are in a form similar to the proposed
regulation, I will review the record
and issue an order affirming, or
rescinding this determination. If
the determination is affirmed, it shall
become effective as of the date of this
notice. If the final ^{rules} ~~reg~~ are in

Announce a public
hearing

121 S. Wacker Dr., Suite 100, Waukegan, IL 60094

From: Robert D. Fisher, Assistant Regional Counsel, RFL

Thru: Thomas E. Harrison, Regional Counsel

Subject: Michigan Application for Court Primary and
RA's Notice of Approval

This office is in receipt of and has reviewed the latest draft of the Michigan rules and the proposed approval notice and offers the following comments:

A. The proposed approval notice needs some minor revisions to reflect the fact that the rules submitted as part of the plan are not finalized.

1. The sentence on page 1 that begins "In response," should be changed to:

"In response, I have determined that the Michigan Department of Public Health has the statutory authority and, with the adoption of the ~~proposed~~ ^{the form similar to} rules ~~to those~~ submitted to my office, meet."

2. The last sentence on page 3 that begins "At this receiving," should be changed to read:

"No final decision will be made until the ^{rules} regulations are final. If the final regulations are in a form similar to the proposed regulations, I will review the record and issue an order affirming or rescinding this determination. If the determination is affirmed, it shall become effective as of the date of this notice. If the final ^{rules} are in a form different from those proposed, I will ~~publish public notice for 30 days~~ ~~my intent to approve~~. It should also be noted that

Announce a public
comment period of
30 days

TELEPHONE CONVERSATION RECORD

DATE: 29 August 77

TIME: 1330

TO: Tom Larsen

FROM: WJM

SUBJECT: Michigan Primacy Determination Application

RESUME OF CONVERSATION:

① Larsen has received Michigan's letter to us, but he says Michigan MUST revise their exemption regulations to eliminate the ability to reissue exemption schedules or to at least specify that schedules cannot extend beyond 1981 or 7 years (not just in a letter to us) - Larsen is "tired of the games Michigan is playing" and "this is a slipshod job" trying to get around the EPA regulation.

② There is also a problem about the public hearing - OGC will not sign the FR notice as is, but will only allow us to say we're holding the public hearing to allow comment about the draft rules. Only after the rules are enacted will OGC comment about the preliminary determination and then we would still need another 30 day comment period and

REFERRED TO: JFH

ACTION REQUESTED: you get to call Michigan (?)

BY: _____

we would need to allow the public to request another hearing (although we would probably have more grounds to deny it based on the 1st hearing - unless Michigan substantially changed their rules.)

③ I suggested he call Luss & get both of these straightened out, because Larsen is only allowed to work through Luss not us (his response to you last week was just a nicely) and because he had told Luss about the requirement to change Michigan's rules & Luss told me, and when I brought it up, that it was OK to get it in a letter)

1/6/5 - Luss wants to meet with us earl 8-30 to discuss changes in the FR notice and the exemption rules

TELEPHONE CONVERSATION RECORD

DATE: 30 August 77

TIME: 1000

TO: Tom Larsen, OFC

FROM: Bob Luss, HRC

SUBJECT: ^{MI}exemption rules

RESUME OF CONVERSATION:

① Larsen insists that Michigan DPH change their exemption rules to say "Exemptions shall not be waived or rescinded in any manner inconsistent with Federal requirements under the Safe Drinking Water Act" so that the schedules are not allowed to extend past the EPA deadlines

[JFA - Wayne Versper - Michigan will be able to add this addition]
8-30-77 JAD

② The FR notice must also say this determination is based on draft rules - that OFC has not yet approved it

REFERRED TO: _____

ACTION REQUESTED: _____

BY: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE:

AUG 10 1977

SUBJECT: Michigan's Application for Primacy

FROM: Alan Levin, Director *Jim*
State Programs Division (WH-550)TO: Joseph Harrison, Chief
Water Supply Branch-Region V

This confirms the August 2, 1977, telephone conversations of Ranvir Singh with Ms. Nancy Manley of your staff regarding the adequacy of Michigan's application for primacy. Our review revealed the following discrepancies in the contents of this application:

1. We notice that a large number of rules included in the application package are proposed only and have not been formally adopted.
2. In Part 5, Page 7, item (4) the proposed Rule States "An exemption granted by term not to exceed five years". This time limit differs from what is provided for in Section 1416 (a) (2) (A) (i) of PL 93-523 and must therefore be corrected accordingly.
3. Part 6 dealing with Public Notification does not specify how soon the public notification will begin after various violations have occurred.
4. On Page 2917 of the Federal Register, Volume 41, No. 13-Tuesday, January 20, 1976 (National Interim Primary Drinking Water Regulations Implementation) it is stated that State notification requirements, unlike State primary drinking water regulations, are not required to be at least as stringent as their Federal counterpart. We however, feel compelled to point out that the State public notification requirements in Part 20 be substantially the same as the Federal requirements listed in 40 CFR 141.32 which are applicable to all public water systems. This is necessary to avoid a split in enforcement responsibilities.

*Rule 311
sentences has
been added*

*OK -
but
not part 4*

*OK -
suggested
word change*

15 AUG 1977

Following comments are pertinent to Part 20:

- (i) Page 3, bacteriological monitoring requirements; Type II public water systems-No frequency of sampling and the time period to begin sampling is specified. This, therefore, does not meet the requirements of 40 CFR Section 141.21 (c).
- (ii) Page 4, continuation of item (1) must require taking of at least two consecutive daily check samples when an Maximum Contaminant Level (MCL) for microbiological contaminant is exceeded as required in 40 CFR Section 141.21.
- (iii) Page 4, item (2) must require public notification of the presence of coliform organisms as listed in 40 CFR Section 141.32 and not wait until the completion of an investigation.
- (iv) On Page 5, item (6) the determination of unreliability of analysis results must be made by the Director of the laboratory, whether State or private, rather than by the Department of Public Health. The language, therefore, should be changed accordingly.

OK full 200
of philosophy
must be equivalent
set identical
standards

with public
and not provide
health protection
equivalent to the
of standard
without the same
concentration level
in the samples

Failure to comply is not a
Investigation is needed to determine
violation - is not analytical error

Rules 602 & 702
define compliance

Department of
Public Health
is not the Director
of the laboratory
the DPH has authority
to speak for the Director of the laboratory

We suggest that the above comments be taken into consideration now and necessary amendments made in the proposed rules prior to their adoption.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: AUG 10 1977

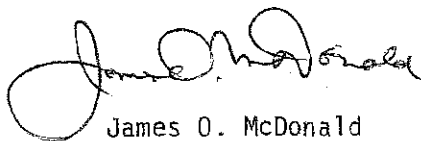
SUBJECT: Concurrence with Federal Register Package for the State of
Michigan Application for Primacy Under the Safe Drinking Water Act

FROM: James O. McDonald, Director
Enforcement Division

TO: Charles H. Sutfin, Director
Water Division

The Enforcement Division concurs with the package prepared for publication in the Federal Register for the above referenced application. This concurrence is based upon the belief that the Michigan enabling legislation is stringent enough to assure adequate enforcement of the Safe Drinking Water Act.

The Enforcement Division wishes to reiterate that public hearings are premature prior to the finalization of Michigan's regulations.



James O. McDonald

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: August 15, 1977

SUBJECT: Proposed Approval Notice for Michigan SDWA Primacy Application

Joel Margolis
FROM: Joel Margolis, Acting Chief
Manpower Development Branch



TO: Charles Sutfin, Director
Water Division

We concur with this proposed approval notice.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: AUG 18 1977

SUBJECT: Regional Counsel's Review of Proposed Approval Notice

FROM: Robert D. Luss, Assistant Regional Counsel 
THRU: Thomas F. Harrison, Regional Counsel 
TO: Charles H. Sutfin, Director
Water Division

We have reviewed the Proposed Approval Notice for the Michigan Department of Public Health's application for primacy and concur in the conclusion reached and its issuance.

TELEPHONE CONVERSATION RECORD

DATE: 16 August

TIME: 0900

TO: Alancy Manley, Water Supply Branch FROM: Robert Luss, Ofc. of Regional Council

SUBJECT: (F) Concurrence Memo for Michigan SDWA FR Notice

RESUME OF CONVERSATION: Bob Luss says the Federal Register notice is acceptable and the Office of Regional Council concurs in it's issuance. The memo is now being typed and will be sent to Mr. Sutfin when it is available.

REFERRED TO: _____

ACTION REQUESTED: _____

BY: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: JUL 28 1977

SUBJECT: Comments on Preliminary Draft - Michigan Application for
Primacy Under Safe Drinking Water Act

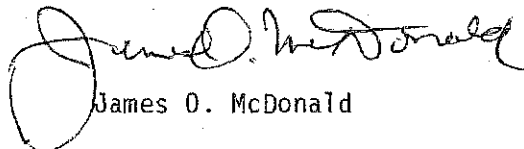
FROM: James O. McDonald, Director
Enforcement Division

TO: Charles H. Sutfin, Director
Water Division

After review of the above-referenced application, the Enforcement Division agrees with the preliminary determination of the Water Supply Branch that the State of Michigan has adequate authority to enforce the provision of the Michigan Safe Drinking Water Act in a manner at least as stringent as Public Law 93-523.

Despite agreement of the Enforcement Division indicated above, the application cannot be approved until the Michigan rules are final and effective. Because of the speculative nature of administrative processes, the application should not be processed beyond the point of making a preliminary determination. This preliminary determination should not be public noticed until the rules are final and no public hearing on the application would be held until that time.

We understand the constraints under which the Water Supply Branch is working and we will be available to discuss our comments at your convenience.


James O. McDonald

Management Division has no comment about
Michigan's application, per Joel Margolis
22 July 1977.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: JUL 25 1977

SUBJECT: Regional Counsel's Review of Michigan's Application for SDWA Primacy

FROM: Robert D. Luss, Assistant Regional Counsel *RDL*

THRU: Thomas F. Harrison, Regional Counsel *TFH*

TO: Charles H. Sutfin, Director, Water Division *CS*

This office has completed its review of Michigan's application for SDWA primacy. The Michigan Safe Drinking Water Act, passed during the last session, contains all the necessary legal authorities to enable Michigan to satisfy the requirements of 40 C.F.R. §142.10. However, regulations (rules) are needed to implement certain sections of the MSDWA. The proposed General Rules, submitted as part of the application, satisfy the §142.10 requirements not covered by the MSDWA.

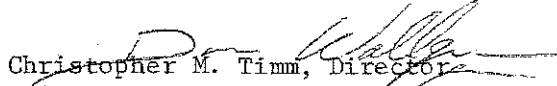
The Office of Regional Counsel recommends that the application be approved and we go to the Federal Register with the determination that Michigan has met all the requirements of primacy. This is contingent upon final enactment of the General Rules in a form similar to the one that accompanied the application. We anticipate after discussion with the state, that the General Rules will be fully effective prior to the date for EPA final approval. If they have not yet become effective, EPA should hold up our final approval. We, of course, desire to review the final General Rules prior to the decision being made to grant final approval.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: State of Michigan's Application for SDWA Primacy

DATE: July 25, 1977

FROM:


Christopher M. Timm, Director
S&A Division, Region V

TO:

Joseph Harrison, Chief
Water Supply Branch, Region V

As per the request of the Director, Water Division, Region V we are providing you comments on Michigan's request for SDWA primacy.

Comments and recommendations for approval or disapproval of Michigan's rules and regulations are attached.

Please contact the Quality Assurance Office if you have questions concerning the comments.

QUALITY ASSURANCE OFFICE REVIEW
JULY 25, 1977
MICHIGAN
REVIEW OF STATE WATER SUPPLY PROGRAM FOR
PRIMARY ENFORCEMENT RESPONSIBILITY

PRIMACY REQUIREMENT

COMMENT

1. Primary Regulations
Section 142.10(a) State primary drinking water regulations no less stringent than Federal regulations
No Recommendations
No comments
2. Inventory
Section 142.10(b)(1) Adequate State procedures to maintain an inventory of public water systems
No Recommendations
No Comments
3. Sanitary Survey
Section 142.10(b)(2) The State must have a systematic program for sanitary surveys.
No Recommendations
No comments
4. Laboratory Certification
Section 142.10(b)(3) The State must have a laboratory certification or approval program
We recommend disapproval of this section until Michigan's MHD Part 22, dealing with laboratory certification (proposed) is attached to the primacy application for review.
Michigan has established a laboratory certification program. However, their interim laboratory certification plan is not attached to the primacy application as required by 40 CFR 142.10(b)(3). A commitment should be obtained from Michigan to update their laboratory certification to be as stringent as the national program, as soon as the national program becomes available (see additional comments under MHD Part 23).
Michigan has indicated the State laboratory will be the primary laboratory for chemistry and radiochemistry, so there will be no need for a chemistry and radiochemistry laboratory certification program in these two areas. A chemist has been identified as the certification officer for the microbiology certification program. To lend credibility to a microbiology laboratory certification program the certification officer should be a microbiologist.

Please Note: having a chemist involved in the State Training and Certification

Program for water plant operators is appropriate and we feel this step is highly desirable.

5. Laboratory Capability
Section 142.10(b)(4) The State must have access to Laboratory facilities approved or certified by EPA.

We recommend interim approval of the Michigan Department of Public Health Laboratories as the State's primary laboratory for microbiology, inorganic chemistry, organic chemistry and radio-chemistry with the minor changes listed under MHD Part 22, if MHD Part 22 is adopted with the changes.

The proposed laboratory methods the State has indicated in their application for primacy meets the minimum requirements specified by EPA's Draft Interim Certification Guidelines of December 1976. A few minor changes as pointed out in the comments for Michigan MHD Part 22 are needed, however.

6 to 15. Primacy Requirements

No Recommendations

Plan Review - Section 142.10(b)(5)

No Comments

Coverage - Section 142.10(b)(6)(i)

Authority to Sue - Section 142.10(b)(6)(ii)

Right of Entry - Section 142.10(b)(6)(iii)

Records and Reports - Section 142.10(b)(6)(iv)

Public Notice - Section 142.10(b)(6)(v)

Penalties - Section 142.10(b)(6)(vi)

State Record Keeping and Reporting-
Section 142.10(c)

Variances and Exemption - Section 142.10(d)

Emergency Plan - Section 142.10(e)

16. MHD Part 1 - General Provisions
(Proposed)

Recommend approval if adopted as proposed.
No Comments

17. MHD Part 2 - Definitions (proposed)

Recommend approval if adopted as proposed.
No Comments

18. MHD Part 3 - Organization, Operations
and Procedures (proposed)

Recommend approval if adopted as proposed.
No Comments

19. MHD Part 4 - Hearing and Contested
(proposed)

No Recommendations
No Comments

20. MHD Part 5 - Variances and Exemptions
(proposed)

No Recommendations
No Comments

21. MHD Part 6 - Public Notification
(proposed)

No Recommendations
No comments

- | | |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22. MHD Part 7 - Reserved for specific water supply rules (proposed) | <u>Recommend that all new proposed rules be submitted to Water Supply and/or QAO so a determination can be made to see if these rules are as stringent as federal regulations and have no adverse effect on the State maintaining primacy before such rules are promulgated.</u> |
| 23. MHD Part 8 - Types of Public Water Supplies (proposed) | <u>No Recommendations</u>
No comments |
| 24. MHD Part 9 - State Drinking Water Standards (proposed) | <u>Recommend approval if adopted as proposed.</u>
MHD Part 9 State Drinking Water Standards (proposed) is as stringent as Federal regulations. Conforms to 40 CFR 141.14, 141.15 and 141.16. |
| 25. MHD Part 10 - Ground Water Sources (proposed) | <u>No Recommendations</u>
No Comments |
| 26. MHD Part 11 - Surface Water Sources (proposed) | <u>No Recommendations</u>
No comments |
| 27. MHD Part 12 - Treatment and Pumping Facilities (proposed) | <u>No Recommendations</u>
No comments |
| 28. MHD Part 13 - Distribution Systems and Storage Tanks (proposed) | <u>No Recommendations</u>
No comments |
| 29. MHD Part 14 - Reliability (proposed) | <u>No Recommendations</u>
No comments |
| 30. MHD Part 15 - Construction Plans and Specifications and Permits (proposed) | <u>No Recommendations</u>
No comments |
| 31. MHD Part 16 - Cross Connections (proposed) | <u>No Recommendations</u>
No comment |
| 32. MHD Part 17 - Reports and Record-keeping (proposed) | <u>No Recommendations</u>
No comments |
| 33. MHD Part 18 - General Plans (proposed) | <u>No Recommendations</u>
No comments |
| 34. MHD Part 19 - Ownership of Water Supplies (proposed) | <u>Recommend approval if conforms to NIPDWR</u>
After proposed regulations is drafted it should be reviewed by Water Supply Branch for conformance with NIPDWR before promulgated by the State. |

35. MHD Part 20 - Surveillance,
Inspection and Monitoring of
Public Water Supplies (proposed)

Recommend approval with changes to the
rules listed below.

- 35a. Rule____ Bacteriological Monitoring
Requirements

Type 1 public water supplies. This rule appears to be less stringent than 40 CFR 141.21(b). The way this proposed rule is written the department can set a sampling frequency less than the sampling frequency set forth in 40 CFR 141.21(b). The closing of this loop hole will make this rule as stringent as 40 CFR 141.21(b).

- 35b. Rule____ Bacteriological Monitoring:
Unreliable Samples (proposed)

There is no federal regulation related to this proposed rule. This item will be covered in the interim certification of Water Supply Laboratories rules when they are made available. Until such time as the rules become available this State rule should be modified to require the testing laboratory to contact the public water supplier within 24 hours to submit another sample when unreliable samples are received.

36. MHD Part 21 - Examination and
Certification of Operators
(proposed)

R____. Variation in classification
and certain deviations
Rule____(3)

Recommend approval if the Regional Counsel
concurs that this section complies with
40 CFR 142.2(c) last sentence.

This sub rule appears to be in conflict with 40 CFR 142.2(c). An interpretation from Regional Counsel should be obtained.

37. MHD Part 22 - Analytical Techniques
and Laboratory Certification
(proposed)

Recommend disapproval of MHD Part 22
(proposed) analytical techniques and
laboratory certification, until the items
listed below have be submitted for review
and the typographical errors that have been
identified corrected.

We think it appropriate that the State of Michigan's Interim Laboratory Approval Program for microbiological laboratories be forwarded for review so Region V can be assured that this program be as stringent as the expected national interim guidelines for laboratory approval. A laboratory certification officer has been identified as a chemist.

The Federal Register of July 9, 1976 incorrectly cited section numbers from the 13th edition of "Standard Methods" as method numbers. MHD Part 22, Rule____, Radioactivity analytical techniques method numbers should be changed to section

numbers. It is strongly recommended that a 1 liter minimum sample aliquot size be appended to R ____ Organic Chemical analytical techniques. EPA's future Interim Certification Guidelines will specify the 1 liter samples size so the approved test procedures sensitivity will be sufficient for all organic chemicals MCL's.

- | | |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 38. MHD Part 23 - Approval of Chemicals and Other Materials (proposed) | <u>No Recommendations</u>
No comments |
| 39. MHD Part 24 - Reserved for Specific Water Supply Rules (proposed) | <u>Recommend approval if conforms to NIPDWR</u>
After proposed regulation is drafted it should be reviewed by the Water Supply Branch for conformance with NIPDWR before promulgation by the State. |
| 40. MHD Part 25 - Contingency Plans (proposed) | <u>No Recommendations</u>
No comments |
| 41. MHD Part 26 - Water Hauling Equipment Standards (proposed) | <u>No Recommendations</u>
No comments |
| 42. MHD Part 27 - Licensing of Water Haulers (proposed) | <u>No Recommendations</u>
No comments |
| 43. MHD Part 28 - Bottle Water (proposed) | <u>No Recommendations</u>
No comments |

The S&A Division recommends that the review process application continue. The Water Division and S&A Division should continue to work with Michigan DNR on items:

4. Laboratory certification

5. Laboratory capability

35. Analytical Techniques and laboratory certification to implement recommendation presented by the QAO. As soon as these modifications are made the S&A Division recommends a determination that Michigan has met the requirements for primary enforcement responsibility for public water system, supervision under the Safe Drinking Water Act. This recommendation is made provided the proposed Michigan DNR Administrative Rules are enacted as proposed with the changes proposed by this review.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Concurrence with Proposed Approval Notice for
Michigan SDWA With Reservations Concerning Incompleteness
of Application in the Area of Describing States DATE: AUG 16 1977
Interim Program for Approval of Microbiology
Laboratories
FROM: Chris Timm, Director
S&A Division, Region V *Chris Timm*
TO: Charles H. Sutfin, Director
Water Division, Region V *CHS*

The Surveillance and Analysis Division has reviewed the proposed approval notice for the Michigan SDWA primacy application. We agree that Michigan's application move onward but that Michigan's application is still incomplete in one area - Requirement #4 (Laboratory Certification).

We do not think the application should be stopped because of this requirement since we know such a program exists and it is not appropriate to review the technical content of such a program until national guidelines are finalized. It would be appropriate to amend the application at some convenient later date with a proper description of the States' plan for interim approval of local microbiology laboratories.

The laboratory approval plan which the States will use in support of the SDWA and which is to be part of an initial State primacy application is defined by Section 142.10(b)(3) as "until such time as the agency establishes a national quality assurance program for laboratory certification the State shall maintain an interim program for the purposes of approving those laboratories from which the required analytical measurements will be acceptable".

Attachment #3 to your memo of August 4, 1977 notes that the State of Michigan primary laboratory is acceptable for microbiological testing after correction of specific deficiencies and that Dr. Williams is acceptable as the State Survey Officer for the Interstate Carrier Program. This letter of July 23, 1976 should not be considered a description of an interim laboratory approval program.

We think it appropriate that a description of an interim laboratory approval program include the statement that it exists at present time, that it is administratively or organizationally described, that criteria exist for the evaluation of local laboratories, and that State laws and/or regulations be included to show the State has authority for maintenance of such a program.

It is not the intent for the S&A Division to review the technical content of such a program but only that the primacy application be complete. Until guidance is finalized a State must only have an interim laboratory

approval program. Since we believe that Michigan has such a program for microbiology laboratories and we believe that it is operated in accordance with past policies of the Interstate Carrier Program, we think it appropriate that Michigan's primacy application proceed. We recommend though, that the application itself be considered incomplete because the interim program is not described.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: July 27, 1977

SUBJECT: Michigan's Application for SDWA Primacy

FROM: A. R. Winkhofer
Director, Eastern District Office

TO: Charles H. Sutfin
Director, Water Division

THRU: Donald A. Wallgren
Deputy Director, SEAD

I have reviewed the subject application and concur with the preliminary assessment offered by the Water Supply Branch.

However, an additional aspect should be considered in our review process. That is, does Michigan have sufficient resources to implement primacy (i.e. at least sufficient to attain priority USEPA goals). Information and resource commitments should be requested and evaluated prior to granting final approval.

cc: Dave Payne, QAO

*Telecopy from EDO
7/27/77
alk*